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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE LAND USE ELEMENT PROVISIONS PERTAINING TO THE AGRICULTURAL RESERVE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan and has initiated amendments to the Future Land Use Atlas of the Comprehensive Plan, in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, property owners have initiated amendments to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on May 23, June 10, June 13, June 17 and June 24, 1994, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 18 and July 21, 1994 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners



1 authorized transmittal of proposed amendments to the Department of  
2 Community Affairs for review and comment pursuant to Chapter 163,  
3 Part II, Florida Statutes; and

4 WHEREAS, Palm Beach County received by facimille on October  
5 28, 1994, the Department of Community Affairs "Objections,  
6 Recommendations, and Comments Report" dated October 28, 1994, which  
7 was the Department's written review of the proposed Comprehensive  
8 Plan amendments; and

9 WHEREAS, on December 16, 1994, the Palm Beach County Local  
10 Planning Agency held a public meeting to review the written  
11 comments submitted by the Department of Community Affairs, the  
12 Planning Division's response to the written comments, and to make  
13 recommendations regarding adoption of the Comprehensive Plan  
14 amendments; and

15 WHEREAS, on December 20, 1994, the Palm Beach County Board of  
16 County Commissioners held a public hearing to review the written  
17 comments submitted by the Department of Community Affairs and to  
18 consider adoption of the amendments; and

19 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
20 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

21 Part I. Amendments to the Land Use Element of the 1989  
22 Comprehensive Plan

23 Amendments to the Land Use Element of the Palm Beach County  
24 1989 Comprehensive Plan, are hereby adopted and are attached to  
25 this Ordinance in Exhibit 1.

26 Part II. Repeal of Laws in Conflict

27 All local laws and ordinances applying to the unincorporated  
28 area of Palm Beach County in conflict with any provision of this  
29 ordinance are hereby repealed to the extent of such conflict.

30 Part III. Severability

31 If any section, paragraph, sentence, clause, phrase, or word



1 of this Ordinance is for any reason held by the Court to be  
2 unconstitutional, inoperative or void, such holding shall not  
3 affect the remainder of this Ordinance.

4 Part IV. Inclusion in the Code of Laws and Ordinances

5 The provision of this Ordinance shall become and be made a  
6 part of the code of laws and ordinances of Palm Beach County,  
7 Florida. The Sections of the Ordinance may be renumbered or  
8 relettered to accomplish such, and the word "ordinance" may be  
9 changed to "section," "article," or any other appropriate word.

10 Part V. Effective Date

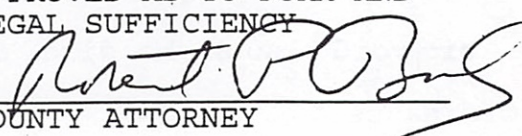
11 The effective date of this plan amendment shall be the date a  
12 final order is issued by the Department of Community Affairs or  
13 Administration Commission finding the amendment in compliance in  
14 accordance with Section 163.3184, Florida Statutes, whichever  
15 occurs earlier. No development orders, development permits, or  
16 land uses dependent on this amendment may be issued or commence  
17 before it has become effective. If a final order of noncompliance  
18 is issued by the Administration Commission, this amendment may  
19 nevertheless be made effective by adoption of a resolution  
20 affirming its effective status, a copy of which resolutions shall  
21 be sent to the Department of Community Affairs, Bureau of Local  
22 Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

23 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
24 Palm Beach County, on the 20 day of December, 1994.

25 PALM BEACH COUNTY, FLORIDA,  
26 BY ITS BOARD OF COUNTY COMMISSIONERS

27 By  \_\_\_\_\_  
28 Chair

1 APPROVED AS TO FORM AND  
2 LEGAL SUFFICIENCY

3   
4 COUNTY ATTORNEY

5 Acknowledgement by the Department of State of the State of  
6 Florida, on this, the 30th day of December,  
7 1994.

8 Acknowledgement from the Department of State received on the  
9 3rd day of January, 1995, at 9:39 A.M. and  
10 filed in the Office of the Clerk of the Board of County  
11 Commissioners of Palm Beach County, Florida.

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**EXHIBIT 1**  
**TO ORDINANCE NO 94 -**  
**AMENDMENTS PERTAINING TO THE**  
**AGRICULTURAL RESERVE**



**FOR THE DECEMBER 20, 1994**  
**BOARD OF COUNTY COMMISSIONERS ADOPTION**  
**PUBLIC HEARING**



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## AGRICULTURAL RESERVE

The Agricultural Reserve area is a portion of the County that encompasses unique farmland and wetlands. It is also an area that may become an urbanized area. During the Plan period through 2000, however, it is designated as an area to be preserved primarily for agricultural use if possible, and if not, to be developed only at low residential density.

To preserve the area for agricultural use, it is an area for sending of Transfer of Development Rights (TDRs); and, it is an area where a Purchase of Agricultural Conservation Easement (PACE) program is being offered.

Because of the nature of the predominant agricultural production in the area, high cost/high intensity winter vegetable production, the use of the land for borrowing power is extremely important, and investigation has shown that many farm lending institutions have utilized the potentials of previous planning documents as a significant portion of their valuation in production loans. Thus, in the interest of maintaining this agricultural base, the low residential density development option is provided.

In addition, the parameters are established for an alternate development plan in the event that by January 1, 2000, the County has not adopted by ordinance, and funded and implemented a PACE program.

### A. MAINTENANCE & ENHANCEMENT OF AGRICULTURE

The Palm Beach County Board of County Commissioners is committed to maintaining and enhancing agriculture in the Agricultural Reserve Area and recognizes the Florida Legislature's intent, expressed in paragraph 163.3177(11)(a), Florida Statutes, to maintain the economic viability of agriculture and other predominantly rural land uses.

#### 1. The Purchase of Agricultural Conservation Easement (PACE) and Other Programs

- a. Implementation. To maintain and enhance agricultural use in the Agricultural Reserve Area, the Board of County Commissioners shall work, during the planning period (to January 1, 2000), to establish and fund a voluntary Purchase of Agricultural Conservation Easement (PACE) Program.



b. Administration. The County Commission shall adopt a PACE Program Ordinance which will:

- 1) include criteria for a standard easement agreement;
- 2) establish eligibility requirements;
- 3) establish incentives to encourage participation;
- 4) specify the agency, department, or division responsible for administering and marketing the PACE program;
- 5) establish funding methodologies and time lines;
- 6) establish benchmarks to guide funding and implementation of the PACE Program, and provide for semi-annual progress reports to the BCC regarding progress in funding and implementing PACE and other programs and activities.

## 2. Development of Other Programs

While the PACE program shall be the cornerstone of all efforts to retain and enhance agricultural use in the Agricultural Reserve Area, the Board of County Commissioners shall work during the planning period (to January 1, 2000) to develop and implement programs to address obstacles to agriculture identified by the Agricultural Reserve Citizens' Committee. These programs shall include revisions to Land Development Regulations to facilitate farming and ensure compatibility with surrounding land uses. Other programs may include economic development of agriculture and cost sharing for improvements in farming practices to ensure compatibility with environmental objectives.

### B. LOW DENSITY DEVELOPMENT ALTERNATIVES

For the Planning Period up to January 1, 2000, the following land uses and densities shall be permitted within the Agricultural Reserve Area as further regulated by the adopted Unified Land Development Code:

- a. The land shall be allowed to develop as Agricultural Residential at a density of one unit per five acres (1DU/5AC);
- b. Density may be transferred from lands in the Agricultural Reserve area to Planned Development Districts (PDDs) where it can be demonstrated that all services can be provided consistent with the TDR regulations at a rate of four dwelling units per five acres (4DU/5AC); or



- c. The land may be developed at a density of one dwelling unit per acre in a PDD provided the following standards are met:
  - 1. The minimum size of the PDD shall be 40 acres.
  - 2. The development shall meet all level of service standards and other requirements of the Comprehensive Plan.
  - 3. The development shall be a PDD meeting all standards of the ULDC.
  - 4. Buildable area of the PDD shall be clustered in one contiguous part of the parcel and shall not exceed 20 percent of the gross acreage. The 20 percent shall be net usable land, excluding streets.
  - 5. The remaining 80 percent shall be maintained in agriculture, recreation or other open space use.
- d. Uses permitted in the Agricultural Production Category are also allowed within areas designated as Agricultural Reserve where permitted by the terms of the Palm Beach County Unified Land Development Code.
- e. Other high-value added agricultural uses, with buffering to address compatibility, will be permitted pursuant to amendments to the ULDC.

It should be clearly noted that the third alternative, (c), is primarily designed to provide the value base for agricultural lending and as a future development option if sale of development rights is not sufficiently utilized.

#### C. CONVERSION OF AGRICULTURAL RESERVE AREA

The Board of County Commissioners also recognizes the Florida Legislature's intent, expressed in paragraph 163.3177(11)(a), F.S., that local government comprehensive plans provide for a planning process which allows for the conversion of rural lands to other uses, where appropriate and consistent with Chapter 163, Part II, Florida Statutes, and local government comprehensive plans, through the application of innovative and flexible planning and development strategies and creative land planning techniques.

If by January 1, 2000, the County has not adopted by ordinance, and funded and implemented a PACE program, as determined by the Board of County Commissioners based upon the criteria set forth in said



ordinance, the provisions set forth in this Section C, "Conversion of Agricultural Reserve Area" shall take effect on January 2, 2000.

1. **Permitted Uses and Densities:** Development of the area shall have a maximum intensity equivalent to a gross overall residential density of two dwelling units per acre and shall be governed by an area wide plan. The area wide plan shall consider and promote concepts such as: trip capture, land use balance, urban villages, minimizing existing traffic trips, neighborhood / community development, retention (when feasible) of rural lifestyles such as that associated with the horse industry. The plan shall provide buffering of incompatible land uses, minimize sprawl, and provide for the adjustment of the Urban Service Area boundary, as necessary. The uses to be contained in the area wide plan may include:
  - a) **Economic Activity Centers:** Planned employment centers designed to accommodate and promote manufacturing, industry, and other value-added activities, and other uses that support these activities including residential uses shall be considered. Economic Activity Centers shall have features as described on page 61 of the Land Use Element and as expanded upon in the Planned Industrial Park Development District (PIPD). Any PIPD shall be developed in conjunction with a Traditional Neighborhood Development (TND) as described in the Land Use Element (pages 45-51) and the TND zone district provisions.
  - b) **Surrounding Areas:** Uses in other areas within the Reserve shall be designated at intensity and densities which are compatible with surrounding uses including agricultural operations and subdivision patterns. Such areas may also include rural uses such as horse farms and associated uses; and, small-scale agriculture operations.
  - c) **Environmental:** At a minimum, a sufficient buffer along the western edge of the Agricultural Reserve Area so as to preserve Water Conservation Area #1 shall be provided.

2. **Planning Process**

An area wide plan shall be developed to guide the year 2000 conversion of the Agriculture Reserve Area. The process shall include input by affected or surrounding neighborhood or community groups.



3. Implementation

- a) Infrastructure: Development in the Agricultural Reserve Area to be self-financing, i.e., public and private infrastructure is to be financed by the landowner, developer, or builder, or any combination thereof. This does not preclude private/public investment partnerships.
- b) Aggregation: Any property which is designated within an Economic Activity Center (B.1.b) must be aggregated into a single entity and shall be reviewed and implemented as a single development under the County's TND or similar zoning district. The requirement for aggregation shall not apply to rural and residential development which is not a part of a designated Economic Activity Center.
- c) Timing of Development: In addition to the requirement that development pursuant to the area wide (Agricultural Reserve) plan not occur prior to the year 2000, such development shall also not occur until there is demonstrated need, as accepted and approved by the Board of County Commissioners, for the proposed land use mix; and, it is demonstrated that development of the totality of any Economic Activity Center, once initiated, can be carried to completion. This requirement shall be applicable only to each Economic Activity Center. It is not necessary to demonstrate a need for the totality of all the development potential as shown in the area wide plan; but rather, proceed pursuant to standard growth management practices.
- d) Sequencing of Development: Within an Economic Activity Center actual development of the property may occur in phases provided that non-residential components develop prior to, or concurrent with, residential components. Rural and residential development which is not associated with an Economic Activity Center may proceed pursuant to standard growth management standards and criteria.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners, certify this to be a  
true and correct copy of the original filed in my office  
on 12/20/94  
DATED at West Palm Beach, FL on 1/5/95  
DOROTHY H. WILKEN, Clerk  
By Phyllis A. House D.C.